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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/392, 585      09/09/99      DESLANDES

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 ART UNIT       PAPER NUMBER

2152

7

DATE MAILED: 10/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/392,585</b>	Applicant(s) <b>Deslandes et al.</b>
	Examiner <b>William. C. Vaughn, Jr.</b>	Group Art Unit <b>2152</b>

Responsive to communication(s) filed on Aug 1, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 (three) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- Claim(s) 1-12 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-12 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of References Cited, PTO-892 7
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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#### **DETAILED ACTION**

1. This Action is in response to the Reply and Amendment received 01 August 2000
2. The application has been examined. **Original claims 1-12** are pending. The objections and rejections cited are as stated below:

##### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on the prior foreign application filed in France on 11 September 1998. It is also noted that, receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

##### ***Drawings***

4. The drawings are objected to because of the objections noted on the PTO-948 form attached. Correction is required.
5. This application has been filed with informal drawings which are acceptable for examination purposes only.
6. Applicant is required to submit a proposed drawing correction in reply to this Office action.
7. The drawings are objected to because the examiner request that reference labels be included with each item number [**All Figures**]. Correction is requested.

##### ***Specification***

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8. The disclosure is objected to because of the following informalities: It is noted that within several areas of applicant's specification, there exist language as well as spelling and grammatical errors that should be address by the applicant.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. **Claims 1-12** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In **claim 1-12**, Applicant's claim language is not clear for example, the recitation, "firstly establishing a link with a management server through the public network, by means of at least one supervision terminal independent of the at least one off-line franking machine, in accordance with". Applicant might rewrite this limitation as, --first establishing a link with a management server through a public network, by means of at least one supervision terminal, independent of at least one off-line franking machine, with a determined protocol of communication--. This is merely a suggestion. Also Applicant, should address the claim language of **claims 5, 9, and 11**. In light of the given example above, the U.S. Attorney should check this set of claims to make sure that they comply with the regulations.

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***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, U.S. Patent No. 5,991,746 in view of Hyde, Jr. (Hyde), U.S. Patent No. 6,038,553.

13. Regarding **independent claims 1 and 12**, Wang discloses the invention substantially as claimed. Wang discloses *a process for monitoring the consumption of a plurality of franking machines through a public communication network, at least one franking machine not being connected to this network* (Wang teaches an ATM billing system that includes a plurality of billing collectors, and a billing center coupled to an ATM network. The system is monitored and managed by the Simple Network Management Protocol (SNMP). Data Generators monitor the management information base (MIB) in their respective slots of the ATM switch and, in particular, it monitors the contents of tables which contain accounting information), [Figs. 1 and 2, Col. 1, lines 52-67, Col. 2, lines 25-67], *wherein it comprises the steps of first establishing a link with a management server through the public network, by means of at least one supervision terminal independent in accordance with a determined protocol of communication*

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(Wang teaches each billing collector is represented as an application on a workstation which communicates with the ATM switch via an ethernet connection and that the network manager (18) coordinates the billing system by managing the switches and by controlling and monitoring the billing collectors and also by providing network wide configuration service), [Col. 4, lines 2-26] *and then processing with an exchange of data between the terminal and the server during which the user acquires at the supervision terminal a current invoicing index and in return receives a code of authorization to frank in order to validate the subsequent frankings* (Wang also teaches obtaining statistical data regarding billing records from different ATM switches. After a new billing record is created in the MIB table using SNMP's adding MIB table entry function), Col. 4, lines 26-57 and Col. 5, lines 1-44]. However Wang does not disclose at least one off-line franking machine not being connected to the network.

14. In the same field of endeavor, Hyde discloses in an analogous art a electronic commerce system. Hyde discloses *at least one off-line franking machine not being connected to the network* (Hyde teaches that the administration module (*management server*) processing in the check cashing system utilizes a display service menu and makes an off-line connection with a customer service module (*franking machine*)). Hyde does teach that the customer service representative can view and update customer records and transaction records stored in the check cashing database through the use of the customer service module. There are a plurality of check cashing transaction modules with which registered customers may cash registered checks and each check cashing transaction modules includes a display and /or touchscreen, for receiving

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information from the customer. Hyde also teaches that the transaction modules are implemented in modified automatic teller machines (ATM) , [Figs. 1, 6, Col. 2, 11-55, Col. 4, lines 6-63, and Col. 6, lines 15-38]. This aspect of Hyde clearly identifies with applicants validation of the franking machine that was presently offline and subsequently reconnected with the management server.

15. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to incorporate Hyde's teachings of an electronic commerce system with Wang's teachings of billing system for collecting MIB tables for billing in an ATM network for the purpose of having an automated system updating and verifying transaction between a server and a ATM machine. By this rationale **independent claims 1 and 12** are rejected.

16. **Dependent claims 2-11**, recite features which are common in the networking art and are taught within the figures of Wang-Hyde. Regarding the limitation of *a protocol of communication used for establishing a link with the remote server is a videotex protocol, such as teletel protocol* (Hyde discloses that system can be utilized within voice, video, and other multimedia type environments), [see **Hyde**, Col. 4, lines 6-11], *and said protocol of communication used for establishing a link with the remote server is a protocol of TCP/IP* (As it is well known in the art that SNMP is a management protocol that works with TCP/IP), [see **Wang**, Col. 5, lines 36-43] *and said step of data exchange comprises a step of acquisition by the user of an identifier including at least one password or personal identification number and step*

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*of data exchange comprises a step of display, at the supervision terminal, of a list of the printing heads associated with the user's plurality of franking machines, and, for each printing head, of a last invoicing index validated by the server, (Official Notice is taken (see MPEP 2144.03)), (see also prior art of record, Abumehdi et al., U.S. Patent No. 5,367,464, where it discloses a franking system that allows for a user who requires additional credit for use in franking, the user operates a control key of the keyboard to initiate a credit resetting mode of operation and that user is required to enter a personal identification number (PIN), followed by entering the amount of credit required), [see Abumehdi, Col. 6, lines 29-60] and establishing a link with the remote server is a protocol of telephonic communication of the vocal synthesis type [see Hyde, Col. 4, lines 6-11]. By this rationale dependent claims 2-11 are rejected.*

***Claim Rejections - 35 USC § 103***

17. **Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abumehdi et al. (Abumehdi), U.S. Patent No. 5,367,464 in view of Wang, U.S. Patent No. 5,991,746 and further in view of Hyde, Jr. (Hyde), U.S. Patent No. 6,038,553.

18. Regarding **independent claims 1 and 12**, Abumehdi discloses the invention substantially as claimed. Wang discloses *a process for monitoring the consumption of a plurality of franking*

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*machines through a public communication network, at least one franking machine connected to this network* (Abumehdi teaches a plurality of franking machines that can be remotely reset for credit when franking transaction), [Col. 3, lines 1-30] *wherein it comprises the steps of first establishing a link with a management server through the public network, by means of at least one supervision terminal independent* (Abumehdi teaches that in order to enable the meter to communicate via the telephone network an input/output interface circuit is connected between input/output ports of the microprocessor and the modem. This is done to connect the meter to a remote terminal (*management server*). It is also noted that the telephone network of Abumehdi can operate digitally with the franking machine and the remote terminal), [Col. 5, lines 60-68 and Col. 6, lines 1-28] *in accordance with a determined protocol of communication* (**Official Notice** is taken (see MPEP 2144.03)), (see also prior art of record, **Brookner et al.**, U.S. Patent No. 6,009,417 discloses a proof of postage generating system connects a communication channel between a franking device and a data center and that the channel may be a dialed voice telephone call over the public switched telephone network, with modems at each end of the line or alternatively the channel may be an ISDN telephone line, or may be a TCP/IP session placed over any suitable physical medium and underlying protocol, such as frame relay), [see **Brookner**, Col. 3, lines 45-56], *and then processing with an exchange of data between the terminal and the server during which the user acquires at the supervision terminal a current invoicing index and in return receives a code of authorization to frank in order to validate the subsequent frankings* (Abumehdi teaches that when a user requires additional credit for use in franking, the user

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operates a control key of the keyboard in order to initiate a credit resetting mode of operation with the remote terminal and that a user is required to enter a personal identification number (PIN)), [Col. 6, lines 29-51]. However Abumehdi does not disclose at monitoring the consumption a plurality least one off-line franking machine not being connected to the network.

19. In the same field of endeavor, Wang discloses in an analogous art a billing system for collecting MIB tables for billing in an ATM network. Wang discloses *monitoring the consumption* (Wang teaches that a data generator that is provided with SNMP communication capability and with a modified TFTP communication capability for monitoring the contents of tables which contain accounting information of a plurality of billing collectors at each different node within the ATM network), [Col. 2, lines 35-60, col. 4, lines 1-37].

20. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Wang's billing system for collecting MIB tables for billing in an ATM network with the teachings of Abumehdi for the purpose of protecting the billing statistics from unauthorized access n accidental loss [see **Wang**, Col. 29-41]. With regards to at least one of the franking machine having been off-line, (**Official Notice** is taken (see MPEP 2144.03)), (see Hyde, Jr. (Hyde), U.S. Patent No. 6,038,553, discloses that the administration module (*management server*) processing in the check cashing system utilizes a display service menu and makes an off-line connection with a customer service module (*franking machine*)), [see **Hyde**, Figs. 1, 6, Col. 2, 11-55, Col. 4, lines 6-63, and Col. 6, lines 15-38]. By this rationale **independent claims 1 and 12** are rejected.

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***Response to Arguments***

21. Applicant's Amendment and Response filed on 01 August 2000 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

a. **First, Applicant argues that Wang does not teach or suggest a process for monitoring and controlling indices of franking machines. Second, Applicant, contends that the data exchange between Wang's Network Manager and Billing Center does not include a current invoice index indicative of an off-line franking machine, a code of authorization for subsequent frankings performed, or a last index indicative of frankings performed. Third,**

22. It is the Examiner's position that *prima facie* case of obviousness was made in Paper 3. In the response, Applicant asserts that Wang does not teach or suggest a process for monitoring and controlling indices of franking machines. It is the Examiner position that Abumehdi-Wang and Hyde do in fact disclose a system in which ATM (*franking machines*) are monitored and controlled.

23. Second, Applicant contends that the data exchange between Wang's Network Manager and Billing Center does not include a current invoice index indicative of an off-line franking

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machine, a code of authorization for subsequent frankings performed, or a last index indicative of frankings performed. To the contrary, Examiner's position remains as stated in the previous rejection. In that Abumehdi-Wang and Hyde do in fact discloses a PIN authorization code for subsequent frankings [see Abumehdi, Col. 6, lines 29-60], as well as current index indicative of an off-line machine [see Hyde , Col. 2, lines 11-55, Col. 4, lines 6-63, and Col. 6, lines 15-38]. Also Abumehdi-Wang and Hyde discloses that an up to date record of the transaction is stored in memory [see Abumehdi, Col. 7, lines 1-67 and Col. 8, lines 1-58].

24. It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations which define the operation and apparatus of Applicant's disclosed invention in manner which distinguishes over the prior art. Eventhough it is Applicant's right to claim as broadly as possible their invention. It is also the Examiner's right to interpret the claim language as broadly as possible. It is advised that, in order to further expedite the prosecution of the application in response to this action, Applicant should amend the base claims to describe in more narrow detail the true distinguishing features of Applicant's claim invention, as to how Applicant's invention differs from not only the prior of use in the rejection as well as other known techniques of postage metering or franking machines within a network environment. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Abumehdi-Wang and Hyde as well as the prior art of record, for franking machines to be monitored both online as well as offline, in addition to

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keeping track of financial transaction within the system as well as other claimed features of Applicant's invention. Thus, it is clear that Applicant must submit amendments to the claims in order to distinguish over the prior art.

***Citation of Pertinent Prior Art***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ryan, Jr., U.S. Patent No. 6,081,795, discloses a postage metering system that includes a plurality of printers operatively connected as part of a metering network, that contains a transaction log, accounting registers [see Ryan, Fig. 1, Abstract, Col. 7, lines 1-67, Col. 8, lines 7-55, and Col. 9, lines 44-55]. Also Brookner, U.S. Patent No. 6,098,032, discloses a system allows for the monitoring of postal equipment [see Brookner, Col. 3, Abstract, lines 20-47]. Also, Gravell et al. (Gravell), U.S. Patent No. 6,098,058, discloses a postage metering system that includes a plurality of printer modules. Gravell also discloses that system can be monitored while logged on as well as not being logged to the network [see Gravell, Abstract, Col. 3, lines 20-67, Col. 4, lines 33-45, Col. 9, lines 35-67, and Col. 10, lines 1-67].

***Conclusion***

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on Monday through Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT"). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**OR:**

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Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Driver, Arlington, VA., Sixth Floor (Receptionist)

WCV

*WCV*  
*Patent Examiner*  
*AU 2152*  
*October 21, 2000*

**MEHMET B. GECKIL**  
**PRIMARY EXAMINER**

*Mehmet Geckil*